

Chief Judge Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	NO. CR06-198RSL
Plaintiff,	)	
	)	ORDER CONTINUING TRIAL
v.	)	
	)	
DANIEL SILVA-CHAVEZ, et al.	)	
	)	
Defendants.	)	
	)	

On June 23, 2006, defendant Gabriel Silva-Chavez filed a Motion to Continue the Trial Date in the above-captioned matter (Doc. 134). The government agreed that a continuance is appropriate, and filed a pleading suggesting a trial date of March 12, 2007 (Doc. 197). On July 17, 2006, the Court held a Status Conference, with all twenty pending defendants in attendance. With the exception of defendant Pedro Cuellar-Garcia, no defendant objected to a continuance of the trial date. The overwhelming majority of the defendants joined in the motion for continuance, as set forth on the record at the Status Conference. Eleven defendants requested a trial in or about March 2007. Other defendants requested a trial date in October 2006.

For the reasons set forth in Defendant Gabriel Silva-Chavez's Motion to Continue (Doc. 134), the Government's Status Conference Memorandum (Doc. 197), and the additional reasons set forth orally by the Court at the Status Conference,

THE COURT FINDS that this is a complex case involving extensive discovery and allegations of a 25-defendant conspiracy that spanned more than three years. Among other voluminous discovery, the government will produce more than 15,000 wiretapped

1 phone calls over twelve target telephones, over one hundred consensually recorded  
2 conversations, hundreds of surveillance photographs and videos, hundreds of  
3 photographs documenting the searches of over twenty locations, and hundreds of law  
4 enforcement reports. Nearly all of the wiretap and consensual recordings are in Spanish,  
5 and will need to be translated by the parties prior to trial.

6 THE COURT FURTHER FINDS that continuing the trial in this case is necessary  
7 to allow defense counsel adequate time to review the discovery materials, acquire  
8 translations of the recordings, investigate the facts of the case, prepare and litigate pre-  
9 trial motions, and effectively prepare for trial. In this regard, the Court notes that within  
10 the last two weeks, several defendants have replaced appointed counsel with newly hired  
11 private counsel, highlighting the need for these defendants to have additional time to  
12 review discovery and prepare for trial.

13 THE COURT FURTHER FINDS, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the  
14 ends of justice served by continuing the trial in this case outweigh the interest of the  
15 public and of the defendants in a more speedy trial;

16 THE COURT FURTHER FINDS that, with respect to any defendants who object  
17 to a trial continuance, or the length of the trial continuance, a continuance of their trials is  
18 appropriate pursuant to 18 U.S.C. § 3161(h)(7) (“A reasonable period of delay [is  
19 excluded] when the defendant is joined for trial with a codefendant as to whom the time  
20 for trial has not run and no motion for severance has been granted.”). See United States  
21 v. Messer, 197 F.3d 330, 337 (9<sup>th</sup> Cir. 1999) (“It is well established that an exclusion  
22 from the Speedy Trial clock for one defendant applies to all codefendants.”); United  
23 States v. Daychild, 357 F.3d 1082, 1090-91 (9<sup>th</sup> Cir. 2004) (holding that a delay from a  
24 grant of trial continuance to one defendant is also excludible time for a joined  
25 codefendant); United States v. Butz, 982 F.2d 1378, 1381 (9<sup>th</sup> Cir. 1993) (same).

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1 IT IS THEREFORE ORDERED that the trial in this case shall be continued until  
2 March 12, 2007, and that the period of time from August 14, 2006, up to and including  
3 March 12, 2007, shall be excludable time under 18 U.S.C. § 3161(h)(8)(A); and

4 IT IS FURTHER ORDERED that the deadline for filing pretrial motions shall be  
5 November 3, 2006. Responses to all pretrial motions shall be due no later than  
6 December 4, 2006. Reply briefs shall be filed no later than December 18, 2006.

7 SO ORDERED this 25<sup>th</sup> day of July, 2006.

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9 Robert S. Lasnik  
10 United States District Judge

11 Presented by:

12 JOHN McKAY  
13 United States Attorney

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